Government
Publications

ONTARIO

THE ONTARIO MUNICIPAL BOARD
145 Queen Street West
Toronto, 1.

60TH ANNUAL REPORT

of

THE ONTARIO MUNICIPAL BOARD

Upon the Affairs of The Board

During the Year Ended

December 31, 1965

TO: THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

Pursuant to Section 100 of
The Ontario Municipal Board Act
R.S.O. 1960, Chapter 274

ONTARIO

THE ONTARIO MUNICIPAL BOARD

PART I

ESTABLISHMENT AND OPERATION

The Ontario Municipal Board was established under the authority of The Ontario Railway and Municipal Board Act, 1906. The present organization of the Board is provided for in The Ontario Municipal Board Act, (R.S.O. 1960, c.274). The Board carries out and performs statutory duties and functions only, and while it is a corporate body the practice is strictly followed of assigning members to specific applications which require a hearing and thereafter they are considered seized of such application. If a change must be made for an unavoidable reason the hearing is commenced de novo. The Board is given jurisdiction under a large number of statutes but its procedure and general powers are governed by The Ontario Municipal Board Act. Two members are a quorum to hear and dispose of any application and the Chairman may appoint one member to hear any application and report to the Board. In such cases the decision or order is made by two other members, one of whom must be the Chairman or a vice-chairman.

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PART II

MEMBERSHIP AND ORGANIZATION

The membership and organization of the Board during the period covered by this report was as follows:

J. A. KENNEDY, Q.C. (Appointed October 1st, 1956)	Chairman
R. L. KENNEDY (Appointed February 15th, 1951) (Retired September 23rd, 1965)	Vice-Chairman
A. H. ARRELL, Q.C. (Appointed June 30th, 1961)	Vice-Chairman
H. E. ROBERTS (Appointed June 30th, 1961)	Vice-Chairman
D. JAMIESON (Appointed December 1st, 1955) (Appointed Vice-Chairman November 1st, 1965)	Vice-Chairman
W. GREENWOOD (Appointed January 1st, 1953)	Member
V. S. MILBURN (Appointed April 1st, 1956)	Member
A. L. McCRAE (Appointed December 1st, 1958)	Member
J. V. LUDGATE (Appointed April 1st, 1962)	Member
F. G. BLAKE (Appointed November 15th, 1962)	Member
W. SHUB, Q.C. (Appointed June 1st, 1963)	Member
R. M. McGUIRE (Appointed November 1st, 1963)	Member
W. T. SHRIVES (Appointed October 18th, 1965)	Member

B. VICKERS (Appointed April 1st, 1961)	Secretary
D. H. SUTHERLAND (Appointed January 1st, 1963)	Registrar

All Board members and staff are engaged full-time. The Board's Chambers during the year were located in the Ontario Government Building at 145 Queen Street West, Toronto.

PART III

JURISDICTION AND FUNCTIONS

The jurisdiction and function of this Board are a part of what is known as the administrative process. The Board is not a department of government but a tribunal exercising a wide variety of jurisdiction with respect to municipalities a great part of which was exercised at one time by the Executive Council of the province or by the Legislature.

As a tribunal the Board is subject in law to the rules of natural justice which, as applied in this case, could be stated as follows:

1: The tribunal shall be free from bias.

2: All persons having an interest in the subject matter shall be heard.

In matters of law and jurisdiction there is an appeal from the Board to the Court of Appeal and on all matters there is an appeal to the Lieutenant-Governor in Council.

The actual duties and functions of the Board are found largely in The Municipal Act, The Assessment Act, The Planning Act and the school acts, but in addition there is a myriad of other statutory provisions which confer jurisdiction on the Board in a very wide variety of cases. The functions and jurisdiction of the Board may be divided into two general categories:

1: Responsibility for the sound growth and development of municipalities within the framework of the statutes with particular regard to economic stability.

2: Jurisdiction as arbitrator in the first instance or by way of appeal to determine compensation to be paid by the Crown in the right of Ontario or its Crown corporations, by municipalities and other local authorities, and by certain private corporations.

These two divisions are reported on in Parts IV and V respectively of this report.

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PART IV

GROWTH AND ECONOMIC STABILITY OF MUNICIPALITIES

As noted in previous annual reports this part of the Board's jurisdiction can be divided under the following headings:

1: Constitution, Boundary Revision and Dissolution of Municipalities.

2: Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof.

3: Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision.

4: Assessment.

SECTION 1

Constitution, Boundary Revision and Dissolution of Municipalities

During the year the Board ordered the erection of the Village of New Hamburg into a town, and the erection of the Improvement District of Elliot Lake into a township municipality.

Given in Schedule "A" to this report is a list of eighteen annexations ordered by the Board during the year.

SECTION 2

Approval of Capital Undertakings and of the Imposition of Rates and Levies to Recover the Cost Thereof

In the year 1965 the Board's procedure whereby municipalities choosing to do so file with the Board a five-year forecast of their anticipated capital expenditures has been extended to most municipalities which would benefit from such procedure. After study of such forecast the Board establishes a quota for the municipality for the current year. The purpose of this procedure is to achieve a proper planning of capital expenditures at the local level. When the local authorities have studied their capital needs and their financial capacity to meet those needs, the result is that in most cases the necessary control is imposed at the local level with desirable respect for local autonomy and a minimum of restriction by this Board is necessary.

The number of municipalities placed on quota during the year was as follows:

The Municipality of Metropolitan Toronto and Area Municipalities	14
Cities	31
Towns	64
Townships	26
Villages	7
Improvement Districts	0
Total:	142

It is possible to provide a greatly streamlined procedure for the handling of applications from municipalities on quota since the amount of new debt they may incur has been studied and determined at the beginning of the year.

The Board also keeps watch over sharp increases in debt of a municipality and over special rates to be imposed to meet the cost of capital undertakings. In the latter case notice is directed to those sought to be specially assessed and if objection is made a hearing is held.

The following table shows the number of new capital expenditure applications received and the total amount approved in each of the last five years:

Year	Number	Amount
1961	2,299	$ 274,132,977.37
1962	2,344	391,032,769.76
1963	2,107	382,913,130.95
1964	2,641	476,794,469.95
1965	2,690	510,137,199.62

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Ontario Water Resources Commission

A considerable number of the capital undertakings of municipalities in the province are for the construction of water-works or sewerage works by The Ontario Water Resources Commission Act. Since these projects create a debt of the municipalities they require the approval of the Board under Section 64 of The Ontario Municipal Board Act. When part of the cost is to be raised by a special rate the Board requires public notice and if objections are made a public hearing is held. During the year 1965 the Board received 47 applications from the Commission having a total value of $12,491,075.00.

SECTION 3

Approval of Restricted Area By-laws, Official Plans and Plans of Subdivision

The jurisdiction of the Board under this heading is conferred by The Planning Act.

Section 30 of that Act imposes upon the Board the duty of approving by-laws regulating land use passed by municipal councils and in certain cases the power to require a council to amend such a by-law. These powers are very far-reaching and require the greatest care and consideration on the part of the Board because of the control involved over the actions of elected representatives and because of the grave importance of the subject matter of the by-laws.

In this as in all areas of the Board's jurisdiction respect must be maintained for local autonomy. Only in case of clear merit is the decision of local elected representatives reversed.

The number of applications made to the Board under this legislation during the year, with figures for the two previous years, is as follows:

	1965	1964	1963
Applications for approval of restricted area by-laws	1129	1134	1001
Applications for approval of plans of redevelopment	3	1	5
Applications for approval of proposed plans of sub-division	12	29	18
Applications for approval of official plan amendments	21	25	31
Appeals to Board for a direction that a restricted area by-law be amended by council	47	45	39
Appeals from committees of adjustment	302	162	153

SECTION 4

Assessment Appeals

During the year 1965 assessment appeals were made to the Board under the several statutes as follows:

The Assessment Act	168
The Local Improvement Act	3
The Municipal Tax Assistance Act	1

There were also filed during the year eight appeals for a review of the division of liability among municipalities comprising high school districts.

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PART V

ARBITRATIONS IN RESPECT OF COMPENSATION FOR LANDS TAKEN OR INJURIOUSLY AFFECTED

The Board is given jurisdiction to determine compensation or damages to be allowed for lands taken or injuriously affected under various public statutes. The courts have held that in this field the Board must follow strict rules of evidence and what amounts to reasonably strict court procedure. As required by the rules of natural justice the Board's decisions must be based only on known evidence and after a full hearing conducted according to legal principles. During the year 1965 applications were made to the Board for compensation for damages to be allowed for lands taken or injuriously affected by authorities with the right of expropriation as follows:

	1965	1964
The Conservation Authorities Act	15	19
The Expropriating Procedures Act, 1962-63,	90	1
The Highway Improvement Act	34	43
The Municipal Act	58	45
The Ontario Municipal Board Act	1	2
The Ontario Water Resources Commission Act	6	13
The Power Commission Act	4	1
The Public Works Act	4	2
Others	1	6

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PART VI

REVENUE

In compliance with the requirement of Section 99 of The Ontario Municipal Board Act the Board has adopted a tariff of fees payable on various types of applications and orders.

The following table sets forth the fees received by the Board and transferred to the Treasurer of Ontario for the fiscal year ending March 31st, 1965, and the preceding six years. In conformity with the present system of provincial accounting this table is given for the fiscal year only, in contrast to other statistics contained in this report, which are made for the calendar year ending December 31st, 1965.

Fiscal Year	Amount
1958-59	$ 328,181.66
1959-60	345,538.56
1960-61	320,021.63
1961-62	294,001.91
1962-63	319,086.12
1963-64	308,631.05
1964-65	308,066.04

The revenues of the Board for the calendar year 1965 amounted to $412,731.05.

All of which is respectfully submitted.

J. A. KENNEDY
CHAIRMAN

B. VICKERS
SECRETARY

D. H. SUTHERLAND
REGISTRAR

This is SCHEDULE "A" to the 60TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1965, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

DECISIONS GRANTING ANNEXATIONS - 1965

Date of Decision	To	From	Effective Date	Area - acres
Apr. 23rd, 1965	Belle River Village	Rochester Township	July 1st, 1965	8.67
Oct. 8th, 1965	Brantford City	Brantford Township	Jan. 1st, 1966	193.
Jan. 11th, 1965	Bridgeport Village	Kitchener City	Apr. 1st, 1965	0.948
Jan. 25th, 1965	Capreol Township	Hanmer Township	Jan. 1st, 1966	-
Sep. 3rd, 1965	Chatham City	Raleigh Township	Oct. 1st, 1965	81.22
Oct. 19th, 1964	Cobourg Town	Hamilton Township	Jan. 1st, 1965	32.39
Aug. 4th, 1965	Fergus Town	Nichol Township	Jan. 1st, 1966	53.545
Jul. 27th, 1965	Front of Leeds and Lansdowne Township	Front of Escott Township	Aug. 1st, 1965	1,290.
Oct. 7th, 1965	Guelph City	Guelph and Puslinch Townships	Jan. 1st, 1966	9,869.
May 14th, 1965	Hawkesbury Town	West Hawkesbury Township	Jan. 1st, 1966	12.179
Nov. 15th, 1965	Kitchener City	Waterloo Township	Jan. 1st, 1966	1,830.
Apr. 5th, 1965	Peterborough City	Douro and Smith Townships	Jan. 1st, 1966	1,628. 594.
Feb. 5th, 1965	Port Credit Town	Toronto Township	Jan. 1st, 1966	5.741
Jan. 18th, 1965	Port Dover Town	Woodhouse Township	Jan. 1st, 1966	56.
June 30th, 1965	Saugeen Township	Port Elgin Town	Jan. 1st, 1966	23.917
Sep. 20th, 1965	Stratford City	Downie, Ellice, North Easthope and South Easthope Townships	Jan. 1st, 1966	2,163.
Apr. 27th, 1965	Windsor City	Ojibway, Town of Riverside, Town of Tecumseh, Town of St. Clair Beach, Village of Sandwich East, Township of Sandwich South, Township of Sandwich West, Township of	Jan. 1st, 1966	-
Nov. 18th, 1965	West Ferris Township	East Ferris Township	Jan. 1st, 1966	6,350.

This is SCHEDULE "B" to the 60TH ANNUAL REPORT of THE ONTARIO MUNICIPAL BOARD

for the year 1965, made to

THE HONOURABLE THE MINISTER OF MUNICIPAL AFFAIRS

CLASSIFICATION OF MUNICIPAL CAPITAL EXPENDITURES

APPROVED DURING 1965

I - MUNICIPAL

	Amount Approved	1965	1964
(1) General Government			
Civic Buildings	$ 22,165,803.09		
Civic Equipment	432,155.37	$22,597,958.46	$ 11,843,589.91
(2) Protection to Persons & Property			
Fire	1,817,290.75		
Police	1,077,500.00		
Street Lighting	71,241.00	2,966,031.75	3,537,546.91
(3) Public Works			
(a) Grade Separations	1,767,000.00		
Streets, Roads and Lanes	88,413,873.28		
Sidewalks	4,103,057.07		
Bridges	2,272,270.20		
Tunnels & Subways	1,058,480.00		
Road Machinery	1,052,075.84		
Conservation	265,000.00		
Waterways	359,200.00		
Workshops, Yards	127,100.00	99,418,056.39	164,619,488.72
(b) Watermains	13,535,596.73		
Storm Sewers	39,448,458.05	52,984,054.78	54,903,359.58
(4) Sanitation and Waste Removal			
Sanitary Sewers	29,150,619.55		
Sewage Treatment	12,810,937.50		
Garbage	1,480,000.00		
Waste Collecting	58,131.00	43,499,688.05	31,499,247.77
(5) Health			
Health Clinics	287,000.00		
Hospitals	15,405,240.18	15,692,240.18	5,272,858.95
(6) Social Welfare			
Homes for the Aged	5,149,923.00	5,149,923.00	8,279,421.53
(7) Recreation Services			
Amusement Parks	5,746,021.59		
Golf Courses	82,745.00		
Skating Rinks, Arenas	3,325,814.57		
Swimming Pools	1,064,830.00		
Community Centres	4,236,473.99	14,455,885.15	12,889,981.77
8) Community Services			
Exhibitions & Fairs	18,000.00		
Libraries	6,799,930.00		
Museums, Markets	162,200.00		
Housing	450,000.00	7,430,130.00	14,140,845.00
Total General Government		$264,193,967.76	$306,986,340.14

Schedule "B" continued

II - EDUCATION

	Amount Approved	1965	1964
Elementary Schools	$ 69,280,600.57		
Secondary Schools	124,943,281.89	$194,223,882.46	$128,703,156.89

III - UTILITIES and MUNICIPAL ENTERPRISES

Gas	$ 630,700.00		
Electric Utilities	11,982,670.76		
Water Works	11,803,575.54		
Telephones (Municipal)	1,700,750.00		
Transportation	1,119,200.00		
Acquisition of Lands	15,816,434.00		
Others - including Parking Lots	4,166,019.10		
Don Valley Parkway	4,500,000.00	$ 51,719,349.40	$ 41,104,972.92

S U M M A R Y

General Government	$264,193,967.76	$306,986,340.14
Education	194,223,882.46	128,703,156.89
Municipal Enterprises	51,719,349.40	41,104,972.92
	$510,137,199.62	$476,794,469.95